

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TATIANA LEIBEL,

Petitioner,

v.

WARDEN REUBART, et al.,

Respondents.

Case No. 2:23-cv-00691-GMN-DJA

ORDER DENYING MOTION

[ECF No. 57]

On March 28, 2024, the Court denied Leibel’s Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 and denied a Certificate of Appealability. (ECF No. 49.) Judgment was entered, and this case was closed. (ECF No. 50.) On April 5, 2024, Leibel filed a “Motion to Impose or Deny a Certificate of Appealability.” (ECF No. 52.) The Court construed Leibel’s Motion as a Motion for Reconsideration of the Court’s denial of a Certificate of Appealability. (See ECF No. 56 at 1.) The Court then denied the Motion, “find[ing] that reconsideration of its denial of a Certificate of Appealability [was] unwarranted under Federal Rule of Civil Procedure 60(b).” (*Id.* at 3.) Leibel has now filed a Motion to Amend the Judgment. (ECF No. 57.) The Respondents opposed the Motion, and Leibel replied. (ECF Nos. 58, 59.)

Rule 59(e) of the Federal Rules of Civil Procedure states that “[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” Fed. R. Civ. P. 59(e). The Clerk of the Court entered Judgment in this action on March 29, 2024. (ECF No. 50.) As such, Leibel’s 28-day deadline for filing a Motion under Rule 59(e) expired on April 26, 2024. Leibel’s Motion to Amend the Judgment was filed on May 6, 2024. (ECF No. 57.) Because

1 Leibel's Motion was filed 10 days after her deadline expired, the Court denies the Motion as
2 untimely.

3 It is therefore Ordered that the Motion to Amend the Judgment (ECF No. 57) is denied. To
4 the extent that it is necessary, a Certificate of Appealability is denied as to Leibel's Motion.

5 Dated: May 17, 2024

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8 Gloria M. Navarro, Judge
9 United States District Court
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